

STAND. COM. REP. NO. 1433

Honolulu, Hawaii

March 23, 2007

RE: S.B. No. 1529
S.D. 2
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Sir:

Your Committee on Transportation, to which was referred S.B. No. 1529, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO TRAFFIC INFRACTIONS,"

begs leave to report as follows:

The purpose of this bill is to clarify and expedite the processing of traffic infractions by, among other things:

- (1) Clearly establishing that the District Court may adjudicate civil traffic infractions charged against minors;
- (2) Clarifying that confidentiality protections afforded to minors are inapplicable to civil traffic infraction proceedings;
- (3) Consistently applying the civil standard of proof for civil traffic infraction trials;
- (4) Allowing District Courts discretionary scheduling of concurrent proceedings to address difficulties faced in complying with present concurrent scheduling requirements;
- (5) Clarifying the protections afforded to a defendant against self-incrimination;

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- (6) Promoting consistency in the manner of processing and adjudicating moving and non-moving civil traffic infractions;
- (7) Permitting the use of electronic citations; and
- (8) Requiring that the person who is the lessee of the vehicle at the time of the issuance of a traffic infraction shall be responsible for the summons or citation if the registered owner of record is the lessor of a rental or U-drive motor vehicle.

The Judiciary supported this bill. Catrala-Hawaii supported this measure with amendments.

Currently, a vast majority of lesser traffic offenses can be adjudicated without requiring the defendant's appearance in court. However, some methods used in processing traffic infractions remain unclear, ambiguous, and inconsistent. This measure attempts to address these issues.

Your Committee understands the concerns raised by Catrala-Hawaii and the impact these changes may have on U-drive (also known as rental car) companies. Accordingly, your Committee has amended this bill by:

- (1) Stipulating that in addition to monetary assessments, surcharges, penalties, fines, costs and fees, and other charges that may be imposed by an administrative judge of the court having jurisdiction over the citation or summons who has waived the requirement of providing the name and address of the lessee by the lessor and imposed an administrative fee per citation or summons of five dollars per citation or summons on the lessor, shall not exceed ten dollars;
- (2) Stipulating, in the case of parking citations, that in addition to costs, fees, monetary assessments, surcharges, penalties, fines, and other charges that may be imposed by an administrative judge of the court having jurisdiction over the citation or summons who has waived the requirement of providing the name and address of the lessee by the lessor and imposed an administrative fee of \$5 per parking citation on the lessor, shall not exceed \$10;



- (3) Clarifying that the lessor of the motor vehicle, as the registered owner of the motor vehicle, may be responsible for fines, costs, penalties, fees, and other charges related to traffic infractions of a motor vehicle, not just parking citations, while being leased or rented to a lessee;
- (4) Allowing the lessor to adopt a policy of charging the lessee for the actual cost of the traffic infraction paid not just to the court, but to other state government agencies, or county governments, as well; and
- (5) Providing that the rental agreement contain language encouraging the lessee to pay all applicable monetary assessments, surcharges, in addition to applicable fines, costs, penalties, fees, and other charges directly to the appropriate court or government agency.

Your Committee has also amended this bill by:

- (1) Changing its effective date to July 1, 2007; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1529, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1529, S.D. 2, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Transportation,



JOSEPH M. SOUKI, Chair



